

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELWYN MACKINNON,

Plaintiff,

- against -

GALVEX HOLDINGS LTD., GALVEX TRADE LTD,
GALVEX SERVICES OÜ, GALVEX ESTONIA OÜ,
GALVEX INTERTRADE OÜ, GALVEX CAPITAL
L.L.C., ALVAREZ & MARSAL EUROPE LLP,
ALVAREZ & MARSAL EUROPE LTD., SILVER
POINT CAPITAL, L.P., SILVER POINT EUROPE
LLP, SPCP GROUP, LLP, and ARCELORMITTAL,

Defendants.
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No. 08 Civ. 2065

ECF Case

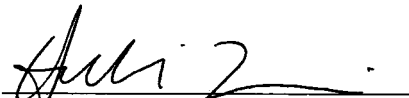
**NOTICE OF MOTION TO
DISMISS THE COMPLAINT**

PLEASE TAKE NOTICE THAT, upon the accompanying declarations of
Shepard C. Spink, Antoine Van Schooten, Hendrikus J. Scheffer and Gay Bronson, and the
exhibit thereto, the accompanying memorandum of law, and all prior pleading and proceedings
in this action, defendants Galvex Trade Ltd, Galvex Services OÜ, Galvex Estonia OÜ, Galvex
Intertrade OÜ, Alvarez & Marsal Europe LLP, Alvarez & Marsal Europe Ltd., Silver Point
Capital, L.P., Silver Point Europe LLP, SPCP Group, LLC and ArcelorMittal, S.A., by and
through their undersigned counsel, will move this Court before the Honorable John G. Koeltl, at
the United States Court House, 500 Pearl Street, New York, New York 10007, for an order
pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(2) and 12(b)(6) dismissing the

Complaint.

Dated: New York, New York
May 16, 2008

FRIEDMAN KAPLAN SEILER &
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OÜ, Alvarez & Marsal Europe Ltd., Silver Point
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